

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31691 of 2025

Arising Out of PS. Case No.-87 Year-2025 Thana- RAGHOPUR District- Supaul

Ashok Kumar Yadav @ Ashok Yadav S/o Bhupendra Yadav Resident of
Village- Dharhara, Ward No. 10, P.S.- Raghobpur, District- Supaul

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mrs. Patla Kumari, Adv.

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 16-05-2025 On the basis of mentioning slip filed by learned
counsel for the petitioner, the present matter has been notified
today at 01:00 PM.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner is apprehending his arrest in
connection with Raghobpur P.S. Case No. 87 of 2025 registered
for the offence punishable under Section 30(a) of Bihar
Prohibition and Excise (Amendment) Act, 2018.

4. As per prosecution case, informant got secret
information that petitioner and other brought the illicit liquor



and kept the same in the heap of straw situated near the house of Nago Sada. On the said information, informant along with other police officials reached at the spot. It is alleged that after seeing the police team, two persons managed to escape. It is further alleged that 167.400 litre illicit country made liquor was recovered from heap of straw situated near the house of Nago Sada. Nearby people disclosed the name of petitioner and other who fled away from the spot.

5. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Learned counsel further submits that petitioner bears criminal antecedent of five cases in which he is on bail. Learned counsel further submits that in the present case, there is nothing on record which denotes that name of the petitioner has been divulged by any of the specific persons who were found at the place of occurrence and source of information has also not been disclosed in the FIR which casts doubt upon the authenticity of the FIR. Learned counsel further submits that because of having criminal antecedent of series of cases, petitioner has been falsely implicated in one case after another without any basis. Learned counsel further submits that seizure list has not been prepared as



per statutory provision of Section 105(3) of BNSS. Learned counsel further submits that place of recovery is heap of straw which is an open place and same is accessible to all and petitioner cannot be held responsible for the alleged recovery. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner was not found on the place of occurrence. Petitioner has no concern with the seized liquor. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition and Excise Act.

6. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court-2, Supaul in connection with Raghopur P.S. Case No. 87 of 2025, subject to the conditions as laid down



under Section 482(2) of B.N.S.S.

8. The application stands allowed.

(Alok Kumar Pandey, J)

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